

agreement of the parties, Plaintiffs will seek a remedial order from the court pursuant to paragraph 1 of the STRO.

- 11.2 Beginning January 1, 2020, the following enforcement standards shall apply. If Plaintiffs believe that Defendants are not in substantial compliance with any provisions of this 2nd MSA, Plaintiffs shall notify the Defendants in writing of the asserted non-compliance and the basis for that assertion. The parties shall meet with the Monitor as soon as practicable, but no later than 30 calendar days thereafter. If the parties are unable to reach a resolution with regard to the asserted non-compliance within that 30 day period, or in an additional 30 day period if both parties agree to the extension, Plaintiffs shall have the right to file a motion for contempt with regard to the asserted non-compliance.
- 11.2.a. Defendants may seek a court-ordered modification of any provision of this 2nd MSA pursuant to Rule 60(b) of the Federal Rules of Civil Procedure if significant changes in factual conditions, beyond Defendants' control and not contemplated by the Parties at the time this 2nd MSA was entered into, make the provision unworkable, make compliance substantially more onerous, or make enforcement detrimental to the public interest, and the changed circumstance occurred despite Defendants' reasonable effort to comply with this 2nd MSA.
- 11.2.b. This 2nd MSA represents the full agreement of the parties and it is the intention of the parties that it be enforced in full.
- 11.3 Defendants may seek an order dismissing court jurisdiction of this matter and any remedial orders that remain open at the time the application is made, upon Defendants' showing that they have achieved and maintained substantial compliance of all of the provisions of this 2nd MSA based upon 12 continuous months of data that has been verified by the Monitor, prior to the application.

